

General Order

Houston Police Department



ISSUE DATE:

August 24, 2020

NO.

400-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-08, dated March 2, 2012

SUBJECT: CITY VEHICLE CRASHES

POLICY

All traffic crashes involving City vehicles or equipment, whether on public or private property, and whether the City vehicle is being driven, is occupied, or is parked, shall be reported immediately by the employee having care and custody of the vehicle or equipment at the time of the crash.

City vehicle crashes that occur on a freeway or major roadway shall be immediately moved to a safe site off the freeway or roadway when no person is injured and each involved vehicle can be normally and safely driven. Vehicles are not to be moved to the shoulder of the roadway, but are to be moved to a location completely off the roadway. An officer who is involved in a crash in which no one is injured shall immediately notify the dispatcher and then move the vehicle off the roadway. If any person reports an injury, only a Vehicular Crimes Division supervisor may authorize the crash to be moved off the freeway to a safe location completely off the roadway.

This General Order applies to all employees.

DEFINITIONS

Blue Form. The Texas Department of Transportation's *Driver's Crash Report* (Form CR-2) available on the department's Intranet Portal.

City Vehicle. For purposes of this General Order, a vehicle owned or leased by the City of Houston or a department of the City of Houston.

Crash Investigation Area (CIA). The geographic area that falls within the boundaries of the city limits of Houston, Texas or within a 30-mile radius from the Houston Police Department Edward A. Thomas Building (Police Headquarters).

Crash Packet. The documentation associated with the administrative investigation regarding an employee's City vehicle crash.

Crash Report. The Texas Department of Transportation's *Texas Peace Officer's Crash Report* (Form CR-3) contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal.

Damage to Shop. For purposes of this General Order, minor dents, scratches, dings, or similar cosmetic damage to a City vehicle and that are reasonably estimated to require less than \$1,000 to repair and are logged by the division in custody of the City vehicle.

1 REPORTING REQUIREMENTS

If a City vehicle crash occurs within the city limits of Houston, the involved employee shall immediately notify the Emergency Communications Division. The immediate supervisor of an employee involved in a City vehicle crash shall be contacted by the involved employee as soon as possible and the supervisor shall report to the scene if on duty. If the supervisor is not on duty or is not readily available, an alternate on-duty supervisor from the employee's division shall be notified by the involved employee and the alternate supervisor shall report to the scene.

If a City vehicle crash occurs outside the city limits of Houston, but within the *Crash Investigation Area* (CIA), the involved employee shall notify the law enforcement agency having jurisdiction over the crash location and an on-duty Vehicular Crimes Division supervisor as soon as possible.

Any employee involved in a crash with a City vehicle outside the CIA shall have a crash or incident report prepared in accordance with the procedures of the law enforcement agency having jurisdiction over the crash location. Employees involved in City vehicle crashes that are not investigated by the Vehicular Crimes Division shall generate correspondence describing the incident. The correspondence and a copy of any reports generated by the outside agency shall be sent through the chain of command to the Vehicular Crimes Division. If the outside agency refuses to generate any type of report, the HPD employee involved in the crash shall document the names of the persons and circumstances connected with the event in correspondence that shall be forwarded through the chain of command to the Vehicular Crimes Division.

If the City vehicle crash occurs outside the CIA and involves *serious bodily injury* or a fatality, the employee shall notify the Command Center as soon as possible.

In all cases, the employee shall obtain the below listed information from all persons involved in the crash unless the information is obtained by a Vehicular Crimes Division officer investigating the crash, the employee is incapacitated, or the employee is advised otherwise by a supervisor:

- a. Complete names, addresses, and telephone numbers (home, cellular, and business).
- b. Driver license number and other identification when applicable.
- c. Make, model, year, vehicle identification number, and license plate number of all vehicles involved.
- d. Name, address, telephone number, and policy number of the vehicle owner's insurance carrier.
- e. Witness information, including complete names, addresses, and telephone numbers (home, cellular, and business).

An incident that does not involve an unstable situation with at least one vehicle in motion (e.g., door ding, cracked windshield from minor road debris) is not a crash and shall not be investigated as a City vehicle crash. The employee in custody of the City vehicle shall immediately report the damage to an on-duty supervisor. The notified supervisor may classify the incident as *Damage to Shop* and may conduct an investigation under General Order 400-18, **Responsibility for City and Other Government Property**, if appropriate.

2 CRASH INVESTIGATION

Unless the City vehicle crash involves an exception from section 3 of this General Order, the dispatcher shall assign a Vehicular Crimes Division investigator and supervisor to investigate any City vehicle crash occurring inside the CIA that involves any of the following:

- a. An HPD or Houston Fire Department (HFD) vehicle.
- b. *Serious bodily injury* or a fatality or a possible fatality to any person.

The dispatcher shall assign a patrol unit to investigate City vehicle crashes that occur within the city limits and that do not meet the above criteria.

The investigating officer shall confirm that the involved employee has notified an on-duty supervisor from the employee's division. The investigator shall complete the crash investigation in accordance with standard operating procedures and document the incident by generating a *Crash Report*, which is contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal. The Vehicular Crimes Division supervisor shall give a 48-hour notice and administrative crash questionnaire to any HPD employee involved in a City vehicle crash.

In the event that a citizen is seriously injured or killed as a result of a City vehicle crash, the Vehicular Crimes Division supervisor shall be responsible for notifying the next of kin as soon as possible.

If a City vehicle crash occurs at a signalized intersection and is a major crash involving fatalities or possible fatalities, the Vehicular Crimes Division supervisor shall advise the dispatcher to notify the City of Houston's Department of Public Works and Engineering of the incident.

The investigator shall determine whether employees while driving or riding in a City vehicle were wearing their seat restraints (i.e., seat belts and shoulder harnesses) at the time of the crash and shall include that information in the *Crash Report*.

Under no circumstances shall an employee give a *Blue Form* to any person for a City vehicle crash or *Damage to Shop* incident.

3 EXCEPTIONS

All incidents of a City vehicle making accidental contact with a vehicle or person without apparent injury or damage may be classified as *Damage to Shop* with the consent of the involved citizen(s). The notified supervisor shall conduct a preliminary investigation. The notified supervisor shall obtain a voluntary recorded statement from the involved citizen(s) that they do not wish to have a *Crash Report* generated and that they have no injuries from the crash. After obtaining such a statement from each involved citizen, the notified supervisor shall conduct a 360-degree review of all involved vehicles in order to document the lack of apparent damage. The notified supervisor shall use a body worn camera (BWC) to obtain both this statement and the 360-degree review. In the event that the citizen does not give this voluntary recorded statement, the City vehicle crash shall be investigated as normal.

The notified supervisor may also classify a City vehicle crash that does not involve a person or non-City vehicle as *Damage to Shop* if the supervisor estimates the damage to the City vehicle to be less than \$1,000, the crash does not involve any damage to a fixed object, and no employee sustains any injury. Examples of such crashes include a City vehicle bumping into a parking pole with minor damage to the vehicle and no damage to the pole, a City vehicle backing into another City vehicle in the parking lot with minor damage to both vehicles, or a City vehicle striking a curb or debris with minor damage to the vehicle. The notified supervisor should consult a Vehicular Crimes Division supervisor if there is any question about whether a crash may be classified as *Damage to Shop*.

Any intentional act that inadvertently causes a collision involving a City vehicle *may* be investigated as a City vehicle crash at the discretion of the notified Vehicular Crimes Division supervisor. An example of such a crash would be a suspect attempting to hit an officer on foot and inadvertently striking a City vehicle. The resulting *Crash Report* shall not be submitted to the Texas Department of Transportation. The Vehicular Crimes Division shall not generate a *Crash Packet* unless an involved employee was not wearing his seat restraint as required by policy at the time of the crash. Any crash involving the PIT Maneuver shall be investigated as required by General Order 600-04, **Motor Vehicle Pursuits**.

4 COMMAND CENTER NOTIFICATION

The first supervisor making the scene of a crash involving an on-duty City employee or a City vehicle shall immediately notify the Command Center of the incident, if the crash:

- a. Involves a fatality or a possible fatality.
- b. Involves an employee or citizen who is transported for serious injuries.
- c. Involved three or more City vehicles.
- d. Involves a vehicular police pursuit.
- e. Creates a hazardous condition that could endanger life (e.g., damaged bridge or overpass, downed electrical lines).
- f. Is likely to draw the attention of the media.

In these situations, the supervisor shall provide the following information:

- g. The number of fatalities.
- h. The name and number of persons seriously injured.
- i. The number of vehicles involved.
- j. The time and location of the crash.
- k. The name, division or assignment, and telephone number of the person investigating the crash.

The Command Center shall immediately provide the above information to the City of Houston Risk Management Division's Safety Section. The crash investigation shall not be delayed in order to await the arrival of Safety Section personnel.

5 ADMINISTRATIVE INVESTIGATION OF POLICE VEHICLE CRASHES

Upon completion of the investigation regarding an HPD employee involved in a City vehicle crash, the Vehicular Crimes Division shall forward a copy of the *Crash Packet* to the involved employee's command.

Upon receiving the *Crash Packet* from the involved employee's command, the HPD employee involved in a City vehicle crash shall prepare correspondence detailing the circumstances of the crash. The employee's supervisor shall complete the *Police Vehicle Crash Information Worksheet*, supplied by the Vehicular Crimes Division, and reference the *Crash Investigation and Disciplinary Procedure Review Sheet* and accompanying *Supervisor Checklist*, available on the department's Intranet Portal, for additional requirements. Employees and supervisors should be aware that the administrative questionnaire and correspondence are not taken into account by the Vehicular Crimes Division investigator while completing the *Crash Report*.

The employee's supervisor shall forward the *Crash Packet* and all correspondence associated with the crash through the chain of command to the employee's assistant chief. If the crash is classified as *At-Fault* or *Double-Fault* or involves any employee who was not wearing a seat restraint as required by policy at the time of the crash, the correspondence shall be addressed to the Chief of Police.

6 CRASH REVIEW BOARD

The Crash Review Board (CRB) shall review all *Crash Packets* and associated correspondence. The CRB shall make recommendations regarding disciplinary action on all City vehicle crashes regardless of cause or fault. The CRB may take the crash investigation and the administrative questionnaire or correspondence into account when making a recommendation regarding discipline or fault. The CRB shall cover the *Crash Packet* with a letter to the Chief of Police indicating their recommendation regarding the outcome of the Crash (At-Fault, Not At-Fault, etc.) and discipline, if applicable.

The CRB shall be comprised of classified employees recommended by the board's presiding assistant chief and confirmed by the Chief of Police. Board members shall include one assistant chief who shall be the chairperson (appointed by the Chief of Police), one commander, one lieutenant, one sergeant, one police officer, and one representative from the majority bargaining agent (MBA), who shall have been selected by the MBA or named as their alternate and approved by the Chief of Police. Unless amended by the Chief of Police, all terms of office shall be for one year, as follows:

- | | |
|--------------------|-------------------|
| a. Assistant chief | June 1 - May 31 |
| b. Commander | Oct. 1 - Sept. 30 |
| c. Lieutenant | Aug. 1 - July 31 |
| d. Sergeant | Sept. 1 - Aug. 31 |
| e. Police officer | Sept. 1 - Aug. 31 |

f. MBA Sept. 1 - Aug. 31

The Vehicular Crimes Division shall provide staff support to the CRB by compiling and providing fleet crash statistical data as requested. The Employee Services Division shall provide staff support to the CRB by documenting personnel actions arising from fleet crashes. The driver training staff of the Training Division shall serve in an advisory capacity to the CRB and act on any recommendations and suggestions relative to improving the department's fleet safety driver training.

7 CRASHES INVOLVING NON-CITY VEHICLES OPERATED BY OR ASSIGNED TO EMPLOYEES

Special circumstances exist when employees, as part of their duties with the Police Department, operate or are assigned vehicles that are not owned or leased by the City of Houston or the department. The following procedures and requirements shall apply to crashes involving such non-City vehicles.

Solo Motorcycles

The provisions under this subsection apply to crashes involving solo motorcycles operated by officers assigned to the Solo Motorcycle Detail and "non-assigned" officers registered with the Solo Motorcycle Detail for the purpose of extra employment.

Crashes involving solo motorcycles that occur while the employee is on duty or performing extra employment shall be investigated by the Vehicular Crimes Division. Each investigation shall be handled and subject to the same provisions, procedures, and requirements established in this General Order for crashes involving City vehicles or police vehicles, including referral to the CRB and consideration for possible discipline.

Crashes involving solo motorcycles that occur while the employee is off duty shall be investigated by the Vehicular Crimes Division if it occurs within the city limits of Houston. The Vehicular Crimes Division shall not generate a *Crash Packet* for crashes involving solo motorcycles that occur while the employee is off duty and not performing extra employment at the time of the crash.

Employees shall notify their division commander in writing of any crash that is not investigated by the Houston Police Department.

Vehicles Owned or Leased by an Outside Agency

The provisions under this subsection apply to crashes involving vehicles that are owned or leased by outside agencies such as the Federal Bureau of Investigation (FBI) or other federal or state agencies and that are assigned to employees by virtue of their employment with the Houston Police Department.

Crashes involving vehicles owned or leased by outside agencies and that occur while an employee is on duty shall be investigated by the Vehicular Crimes Division. The investigation shall be handled and subject to the same provisions, procedures, and requirements established in this General Order for crashes involving City vehicles or police vehicles, including referral to the CRB and consideration for possible discipline.

Crashes occurring while an employee is off duty shall be investigated by the Vehicular Crimes Division if it occurs within the city limits of Houston. The Vehicular Crimes Division will not generate a *Crash Packet* for crashes involving outside agency vehicles and that occur while the employee is off duty.

Employees involved in an outside agency vehicle crash shall notify their division commander in writing of the crash. The employee shall provide copies of any reports or correspondence received from the outside agency regarding the crash including any notice received by the employee that the outside agency is conducting an administrative investigation into the crash. These documents shall be provided to the employee's supervisor. The supervisor shall provide the documents to the Vehicular Crimes Division if that division is investigating the crash on behalf of the department.

8 CORRECTIVE ACTION

The Chief of Police reserves the right to require any employee to attend the At-Fault Crash Remediation course or the pursuit driving course when the employee is involved in a crash while operating a City vehicle, regardless of fault. This includes a crash while operating a solo motorcycle or outside agency vehicle while on duty. Required attendance at the At-Fault Crash Remediation course or the pursuit driving course shall not preclude appropriate disciplinary action or restitution.



Art Acevedo
Chief of Police